

**BOARD OF APPEALS
for
MONTGOMERY COUNTY**

**Stella B. Werner Council Office Building
100 Maryland Avenue
Rockville, Maryland 20850
(240) 777-6600**

WORKSESSION MINUTES

Second Floor Davidson Memorial Hearing Room

Wednesday, May 1, 2002, 9:00 A.M.

ACTION CALENDAR:

1. **Minutes**, April 17, 2002 Worksession.

Action: Approved, (DLB/LLM, 5-0).

2. **A-5710, Petition of John A. Ticktin** (one-story addition). Letter to the Board from the petitioner with a revised variance request.

Action: Item deferred for additional information from the petitioner, consensus.

3. **A-5714, Petition of Robin C. Carruthers** (a deck). Letter to the Board from the petitioner requesting an extension of time to comply with Condition No. 5 of the Board's Opinion.

Action: Granted extension to comply, (AMC/DLB, 5-0).

4. **A-5749, Appeal of Barbara Siegel** (Department of Permitting Services (DPS) – Issuance of Building Permit No. 262232). Letter to the Board from Erica A. Leatham, Esquire, with a Motion to Intervene, Motion to Expedite Hearing and a Request for Clarification of Issues from Appellant. Also included is a letter from Ms. Siegel in opposition to the request for the appeal to be heard by the Office of the Hearing Examiner.

Action: (1) Granted request to intervene; (2) denied request to refer the record to the Office of the Hearing examiner; (3) all questions regarding issues needing clarification shall be put in writing, (AMC/AIF, 4-0/DHS/recused). Hearing to be moved to an earlier date, time permitting on the BOA calendar.

5. **CBA-502-A [CBA-502], Petition of Merrimack Park Recreation Association, Inc.** (community swimming pool). Letter to the Board from William J. Chen, Jr., Esquire, requesting an administrative modification. (Large exhibits: existing conditions plan, proposed conditions plan, and site and landscape plan).

Action: Granted administrative modification request, (AMC/AIF, 4-1(LLM/opposed)).

6. **CBA-1358 [CBA-1464, CBA-2135], Petition of Technical Services Park Joint Venture Limited Partnership** (off-street parking). Memorandum to the Board from Stanley N. Garber, Zoning Investigator, DPS, rescinding the request for a Show Cause Hearing.

Action: Rescind Show Cause Hearing, (DLB/LLM, 5-0).

7. **CBA-2729, Petition of Green Acres Corporation** (off-street parking). Memorandum to the Board from Stanley N. Garber, Zoning Investigator, DPS, notifying the Board that the special exception is now a permitted use in the zone and requesting that the special exception be revoked.

Action: Revoked special exception as use is now permitted in the zone, consensus.

8. **CBA-2876-A, Petition of Great Hope Homes, Inc.** (community redevelopment project). Letter to the Board from William J. Chen, Jr., Esquire, requesting that the special exception modification request be referred to the Office of the Hearing Examiner so that it may be scheduled for a hearing as soon as possible.

Action: (1) Request to refer to the Office of the Hearing Examiner to be deferred until a later date; (2) the record to remain with the Board; (3) public hearing may be scheduled sooner if the Board can accommodate an earlier hearing date, consensus.

9. **S-456, Petition of Suburban Hospital Association, Inc.** (medical clinic). Letter to the Board from Scott C. Wallace, Esquire, requesting a transfer of the special exception.

Action: (1) Board to request DPS inspection of the special exception property; (2) record to remain open for receipt of deed from the petitioner, consensus.

10. **S-918, Petition of Fereshteh Farahmand** (child day care facility). Letters from Kesuith Smith and Fereshteh Farahmand with the additional information requested by the Board.

Action: Granted transfer of the special exception, (LLM/DLB, 5-0).

11. **S-1410, Petition of Richard A. Brenner** (recreational or entertainment establishment). Memorandum to the Board from Stanley N. Garber, Zoning Investigator, DPS, notifying the Board that the special exception has been abandoned and requesting that the special exception be revoked.

Action: Schedule Show Cause Hearing, (AMC/AIF, 5-0).

12. **S-1414, Petition of Larry A. and Marjorie J. Wasson** (home occupation). Letter from Francoise M. Carrier, Director, Office of Zoning and Administrative Hearings, notifying the Board that the special exception has expired and that the special exception is no longer in effect.

Action: Schedule Show Cause Hearing, (LLM/DLB, 5-0).

13. **S-1983 [S-1983-A], Petition of Exxon Corporation** (automobile filling station). Memorandum to the Board from Stanley N. Garber, Zoning Investigator, DPS, notifying the Board that the special exception has an outstanding Notice of Violation and requesting a Show Cause Hearing.

Action: Schedule Show Cause Hearing, (AIF/AMC, 5-0).

14. **S-2002, Petition of Douglas Harbit and Robert Patenaude** (accessory apartment). Letter to the Board from the petitioner notifying the Board that the special exception has been abandoned and requesting that the special exception be revoked.

Action: Revoked special exception as abandoned, (DLB/LLM, 5-0).

15. **S-2268, Petition of Silver Oaks Campus, LLC and Senior Campus Services, LLC** (continuing care retirement community). Letter to the Board from Robert H. Metz, Esquire, with update of the latest changes in the special exception plans. (Large exhibits: site plans (phase IB), site plans (phase II), landscape and detail plans, plant schedule and detail plans and lighting and detail plans).

Action: Re-opened the record to include the letter from Mr. Metz with the attachments in accordance with Condition No. 6 of the Board's Opinion, (AIF/DLB, 5-0).

16. **S-2389 [S-24-B], Petition of AT&T Wireless Service, Inc.** (telecommunications facility). Letter to the Board from James R. Michal, Esquire, requesting an administrative modification. Letter from Mr. Michal with additional information requested by the Board.

Action: (1) Re-opened the record to include the letter from Mr. Michal with attachments; (2) granted the administrative modification request, (AMC/AIF, 5-0).

17. **S-2416, Petition of BP Amoco Corporation** (automobile filling station). Letter to the Board from C. Robert Dalrymple, Esquire, and Anne C. Martin, Esquire, requesting an extension of time.

Action: (1) Granted the 8 month extension of time; (2) record to remain open for receipt of additional information from Ms. Martin with the exact address of the property, (AMC/DLB, 5-0).

18. **S-2473, Petition of Adnan Haider** (accessory apartment). Inspection report from Stanley N. Garber, Zoning Investigator, DPS.

Action: Schedule Show Cause Hearing to review the compliance of the special exception with the conditions of the Opinion regarding the exterior changes made to the residence.

DECISION:

19. **S-2488, Petition of Kwan Sook Yi, Cristina Di Sandro, Tommy Lee** (dry cleaning and laundry pick-up station). Hearing Examiner's Report and Recommendation.

Action: Adopted the Hearing Examiner's Report and Recommendation, (LLM/AIF, 5-0).

PENDING ITEMS:

20. **CBA-1251-A [CBA-1251, CBA-2495], Petition of United Church of Christ Home, Inc.** Letter to the Board from Steven A. Robins, requesting an administrative modification. Mr. Robins requests that if a modification is not required, that the filing fee be refunded and that the portion of the already approved modification be maintained as part of the approval. (Large exhibits: zoning vicinity map, first floor plans, elevations, subdivision plat and site plan). Item deferred until the Zoning Text Amendment (ZTA) is effective. Mr. Robbins to draft the Resolution.

21. **CBA-1692 [S-719, S-720, S-721], Petition of Karl W. Corby, Jr., et al** (medical practitioner's office). Letter to the Board from Stanley N. Garber, Zoning Investigator, DPS, notifying the Board of the special exceptions' outstanding Notices of Violation. Item deferred to a future worksession pending clarification from DPS.

PENDING ITEMS (continued):

22. **CBA-2117-A, Francis J. Collins Funeral Home, Inc.** (funeral parlors or undertaking establishments). Letter to the Board from John J. Delaney, Esquire, with a revised lighting plan. Board requests details regarding the lighting levels from Mr. Delaney.
23. **CBA-2640, Petition of The National Capital Area Council – Boy Scouts of America** (eleemosynary and philanthropic institution). Letter to the Board from Patricia A. Harris, Esquire, requesting an administrative modification. Board requested a review and recommendation from M-NCPPC.
24. **CBA-2986, Petition of Leafy House, Inc.** (housing for the elderly). Letter to the Board from Chris A. Fremuth, R.L.A., requesting an administrative modification. (Large exhibit: site, landscape and lighting plan). Item deferred for review of the landscape/lighting plan and the parking plan by M-NCPPC.
25. **S-569, [CBA-3051, S-95], Petition of C. O. and M. E. Bland** (horticultural nursery). Letter of complaint to the Board from David C. Gardner, Esquire, regarding the special exception use. Board requests DPS inspection of the special exception property.
26. **S-1547, Petition of Precision Tune** (automobile tune-up and service shop). Letter to the Board from Sa Kwon, owner, requesting a transfer of the special exception. Board granted the transfer of the special exception and requested DPS to inspect the special exception for compliance with landscape and lighting plan.
27. **S-1716, Petition of Sports Fun, Inc.** (commercial recreational or entertainment establishment). Letter to the Board from David and Nancy Ris, current property owners, notifying the Board that the special exception has been abandoned and requesting that the special exception be revoked. Item deferred. Board to request DPS correction of special exception address.
28. **S-1751, Petition of Hanna D. Saah** (boardinghouse). Memorandum to the Board from Stanley N. Garber, Zoning Investigator, DPS, regarding the inspection of the special exception. Letter will be sent to the petitioner to determine what future action he proposes for the special exception property.
29. **S-1944-B [S-1944], Petition of Four Streams Limited Partnership** (golf course in the RDT zone). Letter to the Board from C. Robert Dalrymple, Esquire, with a progress report on the text amendment. Also included is a letter from William J. Roberts, Esquire, requesting a public hearing. Item to return to the worksession on 4/17/02. Board will suspend its Resolution dated 2/20/02. Board requests a timetable for the text amendment from the Mr. Dalrymple.
30. **S-2093, Petition of Bell Atlantic Mobile Systems, Inc.** (public utility structure). Letter to the Board from Sue Swett, Real Estate Department, Pinnacle Towers Inc., requesting a transfer of the special exception. Board requests additional information.
31. **S-2171, Petition of Maurice H. Berk** (non-resident professional office). Letter to the Board from William Kominers, Esquire, as a clarification and confirmation of the activities occurring at the special exception property. Item deferred for DPS inspection of the special exception property.
32. **S-2435, Petition of Saiful and Jannatul B. Islam** (accessory apartment). Order from the Circuit Court reversing the Board's Opinion. Board requested DHCA inspection of the special exception and the item will return to a future worksession to determine if a public hearing is required.

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